

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
(NORTHERN DIVISION)

-----x  
EARLE E. AUSHERMAN, et al., x Civil Action No.  
Plaintiffs x MJG-01-CV-438  
v. x  
BANK OF AMERICA CORPORATION, x  
et al., x  
Defendants x  
-----x

ORIGINAL

TELEPHONIC HEARING ON OPEN DISCOVERY MOTIONS

Baltimore, Maryland

Monday, February 4, 2002

2:00 P.M.

BEFORE: THE HONORABLE PAUL W. GRIMM

Job No. 10660-9

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Reported by: Sharon D. Livingston



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TELEPHONIC HEARING ON OPEN DISCOVERY MOTIONS  
CONDUCTED ON MONDAY, FEBRUARY 4, 2002

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1 plaintiffs they will be deposed in Baltimore subject  
2 to the following limitations. The depositions will  
3 not exceed two hours in length, which the defendants  
4 agreed on their own, which was a reasonable  
5 limitation on the length. This assumes of course  
6 that the answers to the questions will be responsive  
7 and nonevasive, as is required by Rule 37 A 3. And  
8 those depositions, if I remember correctly, the Rule  
9 33 interrogatory responses are due today, so  
10 hopefully the defendants will not need the entire  
11 two-hour period of time because they will have the  
12 substance, no doubt, of their claims and their  
13 damages in the interrogatory answers as well. So two  
14 hours is the outside limit provided the answers are  
15 responsive and nonevasive.

16 As to the remaining plaintiffs who reside  
17 more than 100 miles away, I will permit their  
18 depositions to be taken, but they will be taken by  
19 telephone or by remote electronic transmission so  
20 that they do not actually have to come to this area  
21 in order to have their depositions taken. Those  
22 depositions also will be limited to two hours in

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1 April cutoff coming up, you both have an interest in  
2 getting the information that need to proceed forward,  
3 so work that out. I would think that you would be  
4 able to resolve any scheduling issues within that  
5 time. If there's a problem, then counsel can let me  
6 know.

7 Obviously any deposition questions of the  
8 telephone depositions would have to require  
9 coordination of documents in advance so that that can  
10 be done efficiently, and we can go from there. I am  
11 persuaded that even though Mr. Sweetland has  
12 proffered that the plaintiffs would say that they  
13 don't know how their names came about to be selected  
14 for their credit reports being ordered, the  
15 defendants' primary point which persuaded me to  
16 exceed the 25 limit was the fact that each plaintiff  
17 might have different damages. And while damages can  
18 be obtained through interrogatory answers, they are  
19 typically not as efficient in that regard as  
20 deposition testimony. So I am persuaded on balance  
21 that by allowing the 25 depositions as requested, not  
22 requiring face-to-face depositions for the remote

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